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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,696	08/06/2001	Martin Gutfleisch	A-2899	1563
24131	7590	10/04/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,696	<b>Applicant(s)</b> GUTFLEISCH ET AL.	
	<b>Examiner</b> Anthony H Nguyen	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6,9, 16-18,21 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Koguchi et al. (US 6,082,263).

Koguchi et al. teaches a method and a device for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner, irreversibly clearing all image information on the surface of a printing form (Koguchi et al., col.4 lines 57-61).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. (US 6,082,263) in view of Nussel et al. (US 5,317,970).

With respect to claims 4 and 19, Koguchi et al. teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Koguchi et al. does not teach the use of a gaseous clearing medium for treating the printing form. Nussel et al.

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teaches the use of a gaseous clearing medium for treating the printing form (Nussel et al., col.2, the second paragraph). In view of the teaching of Nussel et al., it would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. by using the gaseous clearing medium for treating the printing form as taught by Nussel et al. for uniformly treating the printing form.

Claims 5, 15, 20 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. (US 6,082,263) in view of Gydesen (US 5,644,986).

With respect to claims 5 and 20, Koguchi et al. teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Koguchi et al. does not teach the use of ultrasound during treatment of the printing form with fluid clearing medium. Gydesen teaches the use of ultrasound with cleaning medium (Gydesen, claim 4). In view of the teaching of Gydesen, it would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. providing the use of ultrasound with fluid clearing medium during the treatment of the printing form as taught by Gydesen for optimum cleaning a forming cylinder. With respect to claims 15 and 25, Koguchi et al. teaches the step of treating the printing form which is performed in a printing machine. Also, note that the use of a clearing device outside a printing machine for clearing a printing form is conventional.

Claim 13 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. in view of Nussel et al. as applied to claims 4 and 19 above, and further in view of Shin et al. (US 6,148,728).

Koguchi et al. and Nussel et al. teach the method as recited except for the step of removing the printing form from the influence of light during the treatment with the gaseous medium. Shin et al. teaches a method for cleaning a printing plate which includes the step of removing the printing plate from the influence of light during treatment of the printing plate as shown in Fig.1, step 4. (also, see Shin et al. col.6 line 21-27). It would have been obvious to one

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of ordinary skill in the art to modify the method of Koguchi et al. and Nussel et al. by providing the step of removing the printing from the influence of light as taught by Shin et al. for ensuring optimal plate or printing form quality.

Claims 7-8,10-12, 14 and 22-24 are rejected under 35 U.S.C. § 103 (a) as being Koguchi et al. (US 6,082,263).

With respect to claims 7,8,14,22 and 23, Koguchi et al. teaches all that is claimed, except for the hot-air blower, the step of exposing the printing form to higher atmospheric pressure and oxygen gas during treatment which are not clearly shown. However, the use of a hot-air blower and the step of exposing the printing form to higher atmospheric pressure or oxygen gas during treatment is well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method and structure of Koguchi et al. by providing a hot-air blower and the step of exposing the printing form to higher atmospheric pressure or oxygen gas during treatment for optimum clearing effects.

With respect to claims 10,11 and 24, the selection of a desired fluid clearing medium such as acid or an alkali or a base and a sprayer would be obvious through routine experimentation depending upon the material of the printing form in order to get best possible cleaning the printing form.

### ***Response to Arguments***

Applicants' arguments filed on July 23, 2004 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that Koguchi et al. does not teach the method of treating printing form with a fluid, liquid or gaseous clearing medium in non-abrasive manner so that all image information is irreversibly cleared.

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However, as explained above, Koguchi et al. clearly teaches the step of treating the printing form or the printing plate with fluid clearing medium in non-abrasive manner. For example, Koguchi et al. states that the printing plate is cleared of ink at the ink washing section 17 (Koguchi et al. , col.12 lines 44-59). The image information on a surface of a printing plate is inherently irreversible after end of printing. Thus, it is believed that the rejections are proper and the prior art applied meets the method and structure as recited in claims 1-3, 6,9, 16-18,21, 26 and renders obvious the method and structure recited by the claims 4,5,7,8,10-15,19,20 and 22-25.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink that reads "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen  
9/28/04  
Patent Examiner  
Technology Center 2800